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May 22, 2007

By Hand

The Honorable Miriam Goldman Cedarbaum
U.S. District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

MEMO FILED

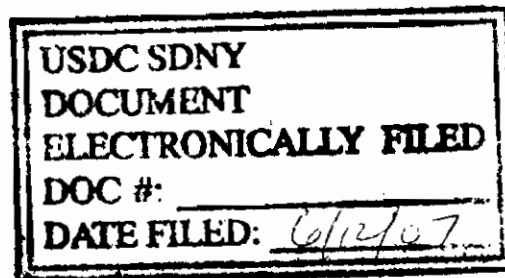
Re: *Jeffrey Shavitz v. BGA Pharma, Inc.*, 07 Civ. 3331 (MGC)

Dear Judge Cedarbaum,

We represent defendant BGA Pharma, Inc. in the above-captioned case. We write to respectfully request a 36-day (or five week) extension of defendant's time to answer or otherwise respond to the Complaint, until Thursday, June 28, 2007. **Plaintiff Shavitz, through his counsel, consents to defendant's request for this extension of time.**

Plaintiff filed his Complaint on April 26, 2007, and served defendant on May 3, 2007. Defendant's answer to the Complaint is currently due tomorrow, Wednesday, May 23, 2007. This is defendant's first request for an extension of time in this matter.

The reason for the requested extension is that the parties are currently engaged in negotiations that could resolve some or all of the plaintiff's claims, and thus may alter the nature of (or even obviate the need for) defendant's answer or response. Accordingly, defendant requests an extension of time until Thursday, June 28, 2007 to answer or otherwise respond to the Complaint.



EMERY CELLI BRINCKERHOFF & ABADY LLP

Page 2

Letter to Honorable Miriam Goldman Cedarbaum

The Court's attention to this matter is appreciated.

Very truly yours,

Katherine Rosenfeld
Katherine Rosenfeld (KR 8525)

SO ORDERED:

5 |

HON. MIRIAM GOLDMAN CEDARBAUM

June 11, 2007

c: Paul Ostensen, Esq., Attorney for Plaintiff Jeffrey Shavitz (by hand)